(3)

(1)

C.E.10 — SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH

AT BILASPUR

WRIT PETITION NO. 2580 /2006

PETITIONER — Badri Vishal S/o Ramjilal Gupta

PLAINTIFF — Aged about 53 years,

Occupation - Cultivation,

R/o Village- Bhupdevpur,

Tah- Kharsia, Disrtt- Raigarh (C.G.)

P.R. No. 2612/06 Presented by Adv. R.K. Singhan dated 11/5/06

VERSUS

RESPONDENT — 1) Chain Singh S/o Late Sri Anjor

DEFENDANT — Singh Patel Aged about 59 years

By caste –Agharia,

RECEIVED-COPY 11/5/06 CLERK to A. G. BILASPUR

2) Ramjilal S/o Late Sri Pyarelal

Aged about 76 years

3) Upendra Lal S/o Late Sri Ramjilal Gupta Aged about 49 years, Occupation Agricultural. e.R.

4) Madhusudan S/o Late Sri Ramjilal Gupta Aged about 47 years, Occupation- Agriculturist e.R.

5) Chudamani @ Laxmi Nidhi S/o Ramjilal Aged about 43 years Occupation Agricultural

All are Resident of Village Bhupdeopur, Tahsil – Kharsia, District- Raigarh (C.G.)

6) State of Chhattisgarh

Through : Collector Raigarh (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR INVOKING THE SUPERVISORY JURISDICTION

The petitioner named above respectfully submits the particulars of the petition as under :

XI-HC-78

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P.2580.../ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19-6-2006 When the matter is called out, none present on behalf of the petitioner. No representation is made. Heard Mr. Sumesh Bajaj, Government Advocate for the State/ respondent No.6. Perused the petition. The instant writ petition has been filed under Article 227 of the Constitution of India, questioning legality, propriety and correctness of the order dated 27-2-2006 passed by the 1st Civil Judge, Class-II, Raigarh, whereby he rejected the prayer of the plaintiff/petitioner for adjournment of the case for recording the evidence of his witness. I have perused the impugned order. The impugned order shows that on 27-2-2006 the matter was fixed for plaintiff's evidence and an application under Order 17 Rule 1 of the C.P.C. was filed on behalf of the petitioner/ plaintiff for deferment of the matter for recording the evidence of witness on account of the fact that the witness was sick. Learned Court observed that no medical certificate was filed in support of the application. Even otherwise, the matter was fixed for plaintiff's evidence on several dates i.e. 4-8-2004, 24-8-2004, 10-9-2004, 11-3-2005, 23-3-2005 & 9-5-2005, even then, the petitioner was not able to adduce evidence, thereafter, opportunity was given to the petitioner to adduce evidence and even on 27-2-2006, the petitioner was not able to produce the witness and he sought for adjournment on medical ground without submitting the medical proof. Therefore, the order passed by the learned Civil Judge cannot be termed to be unjustified, illegal or arbitrary. As per the amended provisions of the C.P.C. the trial is required to be proceeded expeditiously and the above facts show that the petitioner/ plaintiff was not prosecuting his case	

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(27)

मामला क्रमांक W.P.2580/ **सन्** 200 6

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Soma	with due diligence. In the circumstances, the trial Court has not committed any jurisdictional error by passing the impugned order. The writ petition is therefore, liable to be dismissed and it is accordingly, dismissed on merits. Consequently, M.(W.)P.No.1935/2006 stands disposed of. Sd/- L.C.Bhadoo Judge	

21.8.06